

House File 2308 - Introduced

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A BILL FOR

1 An Act relating to private instruction.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 261E.8, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. Students from accredited nonpublic schools and students
4 receiving competent private instruction ~~or independent private~~
5 ~~instruction~~ under chapter 299A may access the program through
6 the school district in which the accredited nonpublic school or
7 private institution is located.

8 Sec. 2. Section 299.1, subsection 1, Code 2014, is amended
9 to read as follows:

10 1. Except as provided in section 299.2, the parent,
11 guardian, or legal or actual custodian of a child who is of
12 compulsory attendance age shall cause the child to attend some
13 public school or an accredited nonpublic school, or place
14 the child under competent private instruction ~~or independent~~
15 ~~private instruction~~ in accordance with the provisions of
16 chapter 299A, during a school year, as defined under section
17 279.10.

18 Sec. 3. Section 299.1B, Code 2014, is amended to read as
19 follows:

20 **299.1B Failure to attend — driver's license.**

21 A person who ~~is of compulsory attendance age who does~~
22 ~~not meet the requirements for an exception under section~~
23 ~~299.2, who~~ does not attend a public school or an accredited
24 nonpublic school, who is not receiving competent private
25 instruction ~~or independent private instruction~~ in accordance
26 with the provisions of chapter 299A, and who does not attend
27 an alternative school or adult education classes, shall not
28 receive an intermediate or full driver's license until age
29 eighteen.

30 Sec. 4. Section 299.4, subsection 1, Code 2014, is amended
31 to read as follows:

32 1. The parent, guardian, or legal custodian of a child who
33 is of compulsory attendance age, who places the child under
34 competent private instruction under either section 299A.2 or
35 299A.3, not in an accredited school or a home school assistance

1 program operated by a school district or accredited nonpublic
2 school, shall furnish a report in duplicate on forms provided
3 by the public school district, to the district by the earliest
4 starting date specified in section 279.10, subsection 1. The
5 secretary shall retain and file one copy and forward the other
6 copy to the district's area education agency. The report shall
7 state the name and age of the child, the period of time during
8 which the child has been or will be under competent private
9 instruction for the year, an outline of the course of study,
10 texts used, and the name and address of the instructor. The
11 parent, guardian, or legal custodian of a child, who is placing
12 the child under competent private instruction for the first
13 time, shall also provide the district with evidence that the
14 child has had the immunizations required under section 139A.8,
15 and, if the child is elementary school age, a blood lead test
16 in accordance with section 135.105D. The term "*outline of*
17 *course of study*" shall include subjects covered, lesson plans,
18 and time spent on the areas of study.

19 Sec. 5. Section 299.6A, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. In lieu of a criminal proceeding under section 299.6,
22 a county attorney may bring a civil action against a parent,
23 guardian, or legal or actual custodian of a child who is of
24 compulsory attendance age, has not completed educational
25 requirements, and is truant, if the parent, guardian, or legal
26 or actual custodian has failed to cause the child to attend
27 a public school or an accredited nonpublic school, or placed
28 the child under competent private instruction ~~or independent~~
29 ~~private instruction~~ in the manner provided in this chapter. If
30 the court finds that the parent, guardian, or legal or actual
31 custodian has failed to cause the child to attend as required
32 in this section, the court shall assess a civil penalty of not
33 less than one hundred but not more than one thousand dollars
34 for each violation established.

35 Sec. 6. Section 299.8, Code 2014, is amended to read as

1 follows:

2 **299.8 "Truant" defined.**

3 Any child of compulsory attendance age who fails to attend
4 school as provided in this chapter, or as required by the
5 school board's or school governing body's attendance policy,
6 or who fails to attend competent private instruction ~~or~~
7 ~~independent private instruction~~ under chapter 299A, without
8 reasonable excuse for the absence, shall be deemed to be a
9 truant. A finding that a child is truant, however, shall not
10 by itself mean that the child is a child in need of assistance
11 within the meaning of chapter 232 and shall not be the sole
12 basis for a child in need of assistance petition.

13 Sec. 7. Section 299.11, subsection 1, Code 2014, is amended
14 to read as follows:

15 1. The truancy officer may take into custody without
16 warrant any apparently truant child and place the child
17 in the charge of the school principal, or the principal's
18 designee, designated by the board of directors of the school
19 district in which the child resides, or in the charge of any
20 nonpublic school or any authority providing competent private
21 instruction ~~or independent private instruction~~ as defined in
22 section 299A.1, designated by the parent, guardian, or legal
23 or actual custodian; but if it is other than a public school,
24 the instruction and maintenance of the child shall be without
25 expense to the school district. If a child is taken into
26 custody under this section, the truancy officer shall make
27 every reasonable attempt to immediately notify the parent,
28 guardian, or legal or actual custodian of the child's location.

29 Sec. 8. Section 299.12, subsection 2, Code 2014, is amended
30 to read as follows:

31 2. This section is not applicable to a child who is
32 receiving competent private instruction ~~or independent private~~
33 ~~instruction~~ in accordance with the requirements of chapter
34 299A. If a child is not in compliance with the attendance
35 requirements established under section 299.1, and has not

1 completed educational requirements through the sixth grade,
 2 and the school has used every means available to assure the
 3 child does attend, the school truancy officer shall contact
 4 the child's parent, guardian, or legal or actual custodian to
 5 participate in an attendance cooperation meeting. The parties
 6 to the attendance cooperation meeting may include the child
 7 and shall include the child's parent, guardian, or legal or
 8 actual custodian and the school truancy officer. The school
 9 truancy officer contacting the participants in the attendance
 10 cooperation meeting may invite other school officials, a
 11 designee of the juvenile court, the county attorney or the
 12 county attorney's designee, or other persons deemed appropriate
 13 to participate in the attendance cooperation meeting.

14 Sec. 9. Section 299A.1, Code 2014, is amended to read as
 15 follows:

16 **299A.1** ~~Competent private~~ Private instruction and independent
 17 ~~private instruction.~~

18 1. The parent, guardian, or legal custodian of a child of
 19 compulsory attendance age who places the child under private
 20 instruction shall provide, unless otherwise exempted, competent
 21 private instruction ~~or independent private instruction~~ in
 22 accordance with this chapter. A parent, guardian, or legal
 23 custodian of a child of compulsory attendance age who places
 24 the child under private instruction which is not competent
 25 private instruction ~~or independent private instruction~~,
 26 or otherwise fails to comply with the requirements of this
 27 chapter, is subject to the provisions of sections 299.1 through
 28 299.4 and the penalties provided in section 299.6.

29 2. For purposes of this chapter and chapter 299+,

30 a. ~~Competent~~ competent private instruction means private
 31 instruction provided on a daily basis for at least one hundred
 32 forty-eight days during a school year, to be met by attendance
 33 for at least thirty-seven days each school quarter, by or
 34 under the supervision of a licensed practitioner in the manner
 35 provided under section 299A.2, or a parent, guardian, or legal

1 custodian under section 299A.3, which results in the student
2 making adequate progress.

3 ~~*b.*—“Independent private instruction” means instruction that~~
4 ~~meets the following criteria:~~

5 ~~(1) Is not accredited.~~

6 ~~(2) Enrolls not more than four unrelated students.~~

7 ~~(3) Does not charge tuition, fees, or other remuneration for~~
8 ~~instruction.~~

9 ~~(4) Provides private or religious-based instruction as its~~
10 ~~primary purpose.~~

11 ~~(5) Provides enrolled students with instruction in~~
12 ~~mathematics, reading and language arts, science, and social~~
13 ~~studies.~~

14 ~~(6) Provides, upon written request from the superintendent~~
15 ~~of the school district in which the independent private~~
16 ~~instruction is provided, or from the director of the department~~
17 ~~of education, a report identifying the primary instructor,~~
18 ~~location, name of the authority responsible for the independent~~
19 ~~private instruction, and the names of the students enrolled.~~

20 ~~(7) Is not a nonpublic school and does not provide competent~~
21 ~~private instruction as defined in this subsection.~~

22 ~~(8) Is exempt from all state statutes and administrative~~
23 ~~rules applicable to a school, a school board, or a school~~
24 ~~district, except as otherwise provided in chapter 299 and this~~
25 ~~chapter.~~

26 ~~*e.*~~ *b.* “Private instruction” means instruction using a
27 plan and a course of study in a setting other than a public or
28 organized accredited nonpublic school.

29 Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2014,
30 is amended to read as follows:

31 A parent, guardian, or legal custodian of a child of
32 compulsory attendance age providing competent private
33 instruction to the child ~~may~~ shall meet all of the following
34 requirements:

35 Sec. 11. Section 299A.11, Code 2014, is amended to read as

1 follows:

2 **299A.11 Student records confidential.**

3 Notwithstanding any provision of law or rule to the
4 contrary, personal information in records regarding a child
5 receiving competent private instruction ~~or independent private~~
6 ~~instruction~~ pursuant to this chapter, which are maintained,
7 created, collected, or assembled by or for a state agency,
8 shall be kept confidential in the same manner as personal
9 information in student records maintained, created, collected,
10 or assembled by or for a school corporation or educational
11 institution in accordance with section 22.7, subsection 1.

12 Sec. 12. Section 321.178, subsection 1, paragraph c, Code
13 2014, is amended to read as follows:

14 c. Every public school district in Iowa shall offer
15 or make available to all students residing in the school
16 district, or Iowa students attending a nonpublic school or
17 receiving competent private instruction ~~or independent private~~
18 ~~instruction as defined in section 299A.1,~~ in the district, an
19 approved course in driver education. The receiving district
20 shall be the school district responsible for making driver
21 education available to a student participating in open
22 enrollment under section 282.18. The courses may be offered
23 at sites other than at the public school, including nonpublic
24 school facilities within the public school districts. An
25 approved course offered during the summer months, on Saturdays,
26 after regular school hours during the regular terms or partly
27 in one term or summer vacation period and partly in the
28 succeeding term or summer vacation period, as the case may
29 be, shall satisfy the requirements of this section to the
30 same extent as an approved course offered during the regular
31 school hours of the school term. A student who successfully
32 completes and obtains certification in an approved course in
33 driver education or an approved course in motorcycle education
34 may, upon proof of such fact, be excused from any field test
35 which the student would otherwise be required to take in

1 demonstrating the student's ability to operate a motor vehicle.
2 A student shall not be excused from any field test if a parent,
3 guardian, or instructor requests that a test be administered.
4 A final field test prior to a student's completion of an
5 approved course shall be administered by a person qualified
6 as a classroom driver education instructor and certified to
7 provide street and highway driving instruction. A person
8 qualified as a classroom driver education instructor but not
9 certified to provide street and highway driving instruction
10 may administer the final field test if accompanied by another
11 person qualified to provide street and highway driving
12 instruction.

13 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code
14 2014, is amended to read as follows:

15 a. The department may issue an intermediate driver's
16 license to a person sixteen or seventeen years of age who
17 possesses an instruction permit issued under subsection 1 or
18 a comparable instruction permit issued by another state for a
19 minimum of twelve months immediately preceding application,
20 and who presents an affidavit signed by a parent, guardian, or
21 custodian on a form to be provided by the department that the
22 permittee has accumulated a total of twenty hours of street
23 or highway driving of which two hours were conducted after
24 sunset and before sunrise and the street or highway driving was
25 with the permittee's parent, guardian, custodian, instructor,
26 a person certified by the department, or a person at least
27 twenty-five years of age who had written permission from a
28 parent, guardian, or custodian to accompany the permittee, and
29 whose driving privileges have not been suspended, revoked,
30 or barred under this chapter or chapter 321J during, and who
31 has been accident and violation free continuously for, the
32 six-month period immediately preceding the application for an
33 intermediate license. An applicant for an intermediate license
34 must meet the requirements of section 321.186, including
35 satisfactory completion of driver education as required in

1 section 321.178 ~~or 321.178A~~, and payment of the required
 2 license fee before an intermediate license will be issued. A
 3 person issued an intermediate license must limit the number of
 4 passengers in the motor vehicle when the intermediate licensee
 5 is operating the motor vehicle to the number of passenger
 6 safety belts. In addition, unless waived by the person's
 7 parent or guardian at the time the intermediate license is
 8 issued, for the first six months following issuance of the
 9 license, a person issued an intermediate license must limit the
 10 number of unrelated minor passengers in the motor vehicle when
 11 the intermediate licensee is operating the motor vehicle to
 12 one, except when the intermediate licensee is accompanied in
 13 accordance with subsection 1. For purposes of this subsection,
 14 "*unrelated minor passenger*" means a passenger who is under
 15 eighteen years of age and who is not a sibling of the driver, a
 16 stepsibling of the driver, or a child who resides in the same
 17 household as the driver. The department shall prescribe the
 18 form for waiver of the six-month restriction on unrelated minor
 19 passengers, which may be in an electronic format, and shall
 20 designate characteristics for the intermediate license that
 21 shall distinguish between an intermediate license that includes
 22 the six-month restriction on unrelated minor passengers and
 23 an intermediate license that does not include the six-month
 24 restriction on unrelated minor passengers.

25 Sec. 14. REPEAL. Section 321.178A, Code 2014, is repealed.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
 28 the explanation's substance by the members of the general assembly.

29 This bill eliminates changes made relating to private
 30 instruction, including independent private instruction and
 31 driver education by a teaching parent, made in 2013 Iowa Acts,
 32 chapter 121, divisions X, XII, and XIII.

33 The bill requires that a parent, guardian, or legal
 34 custodian of a child of compulsory attendance age placed under
 35 competent private instruction by a parent, guardian, or legal

1 custodian submit to the school district of residence a report
2 that states the name and age of the child and the period of
3 time the child has been or will be under competent private
4 instruction and includes an outline of course study and texts
5 uses, and the name and address of the instructor, and evidence
6 of immunization. The bill also requires the parent, guardian,
7 or legal custodian to ensure that the child is evaluated
8 annually, and to ensure that the results of the child's annual
9 evaluation are reported to the school districts.

10 The bill eliminates language that establishes an option for
11 independent private instruction under Code chapter 299A and
12 makes corresponding changes.

13 The bill modifies the definition of "competent private
14 instruction" to include instruction by or under the supervision
15 of a parent, guardian, or legal custodian.

16 The bill also repeals Code section 321.178A, which allows a
17 parent, guardian, or legal custodian who is providing competent
18 private instruction to a student to teach the student driver
19 education provided the parent, guardian, or legal custodian has
20 a valid driver's license that permits unaccompanied driving and
21 has a clear driving record for the previous two years.